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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,343	03/30/2006	Daniel J. Powers	US030396US	7796
28159 PHII IPS INTE	7590 04/13/201 ELLECTUAL PROPER	EXAMINER		
P.O. BOX 3001 Briarcliff Manor, NY 10510-8001			PATTON, AMANDA K	
			ART UNIT	PAPER NUMBER
		3762		
			MAIL DATE	DELIVERY MODE
			04/13/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

	Application No.	Applicant(s)			
	10/574,343	POWERS, DANIEL J.			
	Examiner	Art Unit			
	Amanda Patton	3762			

## THE REPLY FILED 22 Macro 2010 F.AIL STO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. □ The reply was filed after a final rejection, but piror to or on the same day as filing a Notice of Appeal. To avoid abandomment of this application, applicant must timely file or one of the following replies: (1) an amendment, affidiately, or other evidence, which places the application, applicant must timely file or one of the following replies: (1) an amendment, affidiately, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) □ The period for reply expires our (1) the mailing date of the final rejection. b) □ The period for reply expires our (1) the mailing date of the final rejection. **The period for reply expires our (1) the mailing date of the final rejection. **Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FINAL REJECTION. See MFBET 705.07 or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST REPLY WAS FILED WITHIN TX MONTHS OF THE FIRST WAS FILED WITHIN T		
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application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.141. The reply must be filed within one of the following time periods: a)	THE REPLY FILED 22 March 2010 FAILS TO PLACE THIS APPL	ICATION IN CONDITION FOR ALLOWANCE.
b)	application, applicant must timely file one of the following rep application in condition for allowance; (2) a Notice of Appeal for Continued Examination (RCE) in compliance with 37 CFR	lies: (1) an amendment, affidavit, or other evidence, which places the (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request
no event, however, will the statulory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: It box 1s checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS OF THE FINAL REJECTION. See MPEP 705.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for micro and the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for micro and the period of the final rejection, even if timely filed any recover are seen feel and the seen filed. Any reply mest be filed within the members of 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). Amenoments The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (e) Prevalent of the prevalent of the prevalent of the prevalent	a) The period for reply expiresmonths from the mailing da	te of the final rejection.
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Filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS	have been filed is the date for purposes of determining the period of extens under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shor set forth in (b) above, if checked. Any reply received by the Office late that may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	sion and the corresponding amount of the fee. The appropriate extension fee tened statutory period for reply originally set in the final Office action; or (2) as
3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise he lissue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): ☐ Newly proposed or amended claim(s) ☐ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) ☐ would be rejected is provided below or appended. 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. 7. ☐ The status of the claim(s) is ☐ (will be) as follows: 7. ☐ Claim(s) objected be. ☐ (Claim(s) rejected: 1.68-14.16 and 17. 7. ☐ Claim(s) rejected: 1.68-14.16 and 17. 7. ☐ Claim(s) withdrawn from consideration: ☐ AFFIDANT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because the affidavit or other evidence filed of the order of filing a Notice of Appeal will not be entered because the affidavit or other evidence filed of the order of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed to overcome all rejections under appeal and fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented.	filing the Notice of Appeal (37 CFR 41.37(a)), or any extension Notice of Appeal has been filed, any reply must be filed within	on thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a
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See Continuation Sheet. 12.		the status of the claims after entry is below or attached.
13. Other:	11. The request for reconsideration has been considered but do	ses NOT place the application in condition for allowance because:
JOCOLI W. CELEGOV	12. Note the attached Information Disclosure Statement(s). (PT	O/SB/08) Paper No(s)
JOCOLI W. CELEGOV	/Amanda Patton/	/Scott M. Getzow/
		Primary Examiner, Art Unit 3762

Continuation of 3. NOTE: The addition of the term "defibrillator" in Claim 1, line 3 positively recites the defibrillator, changes the scope of the claims and will require further search and consideration. The addition of the phrase "an exterior housing surface arrangeable to at least in part surround each of the first and second interior regions" of claim 17 changes the scope of the claim and will require further search and consideration.

Continuation of 11, does NOT place the application in condition for allowance because: The amendments to the claims will require further search and consideration.